| | Application No. | Applicant(s) |
|---|---|---|
| **Notice of Allowability** | 10/806,099 | YAMAMOTO ET AL. |
| | Examiner | Art Unit |
| | Gary J. Portka | 2188 |

*-- The **MAILING DATE** of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *application filed March 23, 2004*.

2. ☒ The allowed claim(s) is/are *11-20, renumbered as 1-10*.

3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All    b) ☐ Some*    c) ☐ None  of the:

        1. ☒ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

        Paper No./Mail Date _____ .

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 6/3/04, 6/6/05, 1/18/06

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

## DETAILED ACTION

### *Election/Restrictions*

1.      Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I.      Claims 1-10, drawn to configuration management method for a second

          device which is a migration destination of a first device, classified in class

          711, subclass 170.

   II.     Claims 11-20, drawn to configuration management method for a

          virtualization device which manages a first device logical volume via a

          virtual volume, classified in class 711, subclass 170.

The inventions are distinct, each from the other because of the following reasons:

2.      Inventions I and II are related as subcombinations disclosed as usable together

in a single combination.  The subcombinations are distinct if they do not overlap in

scope and are not obvious variants, and if it is shown that at least one subcombination

is separately usable.  In the instant case, subcombination I has separate utility such as

a configuration management method for a second device that is a migration destination

of a first device logical volume, without regard to whether it is used as a virtual volume

of the first logical volume.  See MPEP § 806.05(d).

3.      Because these inventions are independent or distinct for the reasons given

above and the inventions require a different field of search (see MPEP § 808.02),

restriction for examination purposes as indicated is proper.

4.      During a telephone conversation with Applicant's representative office on March

30. 2006 a provisional election was made without traverse to prosecute the invention of

Group II, claims 11-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-10 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5.      Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## EXAMINER'S AMENDMENT

6.      An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:


*In the claims:*

Cancel claims 1-10.


### *Allowable Subject Matter*

7.      Claims 11-20 are allowed.

## REASONS FOR ALLOWANCE

8.      The following is an examiner's statement of reasons for allowance: The prior art

of record does not teach or suggest a configuration management method and apparatus

in which a virtualization device manages a logical volume of a first storage device by a

virtual volume, in which configuration of the virtualization device is set up such that a

configuration of the first device is obtained and used to prepare a logical volume

definition of a virtual volume of the logical volume, in the virtualization device, prepare a

cache allocation definition of the virtual volume when a cache allocation definition is

included in the configuration obtained from the first device, based thereon, and prepare

a port bandwidth allocation definition of a port of the virtualization device when a port

bandwidth allocation definition is included in the configuration obtained from the first

device, based thereon, and sets up the prepared logical volume definition, cache

allocation definition, and port bandwidth definition as a configuration of the virtualization

device.

9.      Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee.  Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gary J. Portka whose telephone number is (571) 272-

4211. The examiner can normally be reached on M-F 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (571) 272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary J Portka
Primary Examiner
Art Unit 2188

April 10, 2006

GARY PORTKA
PRIMARY EXAMINER